

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TACTUS TECHNOLOGIES LLC,**

**Plaintiff,**

**V.**

**HMD GLOBAL OY,**

**Defendant.**



**CIVIL ACTION NO. 2:20-CV-00040**

## JURY TRIAL DEMANDED

## DECLARATION OF JONATHAN H. RASTEGAR

I, Jonathan H. Rastegar, hereby declare as follows:

1. I am an attorney at the law firm of Bragalone Conroy PC in Dallas, Texas. I am counsel of record for Tactus in the above-referenced matter. I am admitted to practice in the State of Texas and the Eastern District of Texas. I submit this declaration based on personal knowledge and following a reasonable investigation. If called upon as a witness, I could and would competently testify to the truth of each statement herein.

2. As of June 24, 2020, Tactus is still waiting to receive service returns from the Finnish Central Authority.

3. On April 23, Tactus emailed Bill McCabe to request a waiver of service and included the following materials in the correspondence: the summons, the complaint and accompanying exhibit, and the civil cover sheet. In addition, the correspondence included completed forms for the Notice of Lawsuit and Request for Waiver of Service.

4. On May 12, Tactus sent the summons and complaint to Special Delivery and requested that it serve HMD at its Miami location, which is 1200 Brickell Avenue, Suite 510,

Miami, Florida.

5. On April 23, when Tactus proposed a waiver of service, HMD did not respond to the request. On April 30, Tactus followed up on its proposal for a waiver of service, HMD did not respond to this follow up. On May 4, Tactus again followed up on its proposal for a waiver of service. On May 5, HMD's counsel, Bill McCabe, responded that he had not "received instructions from HMD on this."

6. Exhibit A to Tactus' Opposition to Defendant's Motion to Dismiss is a true and correct copy of email correspondence between Jonathan Szarzynski, a representative of Tactus, and Jari Koljonen, General Counsel of HMD Global, dated February 24, 2020.

7. Exhibit B to Tactus' Opposition to Defendant's Motion to Dismiss is a true and correct copy of Tactus' Request for Service Abroad of Judicial or Extrajudicial Documents.

8. Exhibit C to Tactus' Opposition to Defendant's Motion to Dismiss is a true and correct copy of UPS Tracking Details for Tactus' Request for Service Abroad of Judicial or Extrajudicial Documents.

9. Exhibit D to Tactus' Opposition to Defendant's Motion to Dismiss is a true and correct copy of an April 13, 2020 email from Aaron Lukken, the Managing Member of Viking Advocates, LLC, with subject line "Service of Process, foreign defendants-- amid Covid-19." Tactus engaged Viking Advocates, LLC to serve HMD via the Hague.

10. Exhibit E to Tactus' Opposition to Defendant's Motion to Dismiss is a true and correct copy of my email correspondence with Bill McCabe, HMD's counsel in *Monument Peak Ventures, LLC v. HMD Global OY*, Civil Action No. 2:18-cv-00521.

11. Exhibit F to Tactus' Opposition to Defendant's Motion to Dismiss is a true and correct copy of email correspondence between Matt Warren and myself dated June 16, 2020.

12. Exhibit G to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of email correspondence between Matt Warren and myself dated June 19, 2020.

13. Exhibit H to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of the HMD Global press release dated January 25, 2019 and titled "HMD Global partners with three leading wireless providers to offer latest Nokia phones to North American consumers," which was downloaded from <https://www.hmdglobal.com/press-releases/hmd-global-partners-with>.

14. Exhibit I to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of the HMD Global press release dated August 20, 2019 and titled "Nokia 3 V's massive screen and two-day battery life makes affordability exciting, launching now on Verizon," which was downloaded from <https://www.hmdglobal.com/press-releases/nokia-3-v-massive-screen-and-two-day-battery-life>.

15. Exhibit J to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of the HMD Global press release dated June 7, 2019 and titled "HMD Global Announces Strategic Carrier Agreement with AT&T Prepaid Portfolio," which was downloaded <https://www.hmdglobal.com/press-releases/nokia-3-1-a-and-nokia-3-1-c>.

16. Exhibit K to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of HMD Global's bio webpage for Jean-Francois Baril, which was downloaded from <https://www.hmdglobal.com/bio/jean-francois-baril>.

17. Exhibit L to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of HMD America, Inc.'s 2020 Florida Profit Corporation Annual Report bearing an electronic filing stamp dated Jan 16, 2020, which was downloaded from the Florida Department of State's website, <http://search.sunbiz.org/Inquiry/CorporationSearch/>

SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HMD  
AMERICA%20P160000576700&aggregateId=domp-p16000057670-8d345b1b-877d-4458-  
b840-ac2ee25b9f28&searchTerm=hmd%20america&listNameOrder=HMDAMERICA%  
20P160000576700.

18. Exhibit M to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of a printout of Cristian Capelli's LinkedIn webpage, which was downloaded from <https://www.linkedin.com/in/cristiancapelli/>.

19. Exhibit N to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of a printout of Rex Fryhover's LinkedIn webpage, which was downloaded from <https://www.linkedin.com/in/rexfryhover/>.

20. Exhibit O to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of a printout of HMD Global's LinkedIn job posting titled "E Commerce and Online Sales Lead – US," which was downloaded from <https://www.linkedin.com/jobs/view/e-commerce-and-online-sales-lead-us-at-hmd-global-1131907722/>.

21. Exhibit P to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of a printout of HMD Global's LinkedIn job posting titled "E Commerce Lead – US," which was downloaded from [https://www.linkedin.com/jobs/view/e-commerce-lead-us-at-hmd-global-734599465/?refId=475e95f8-5884-43e1-be01-a5a013ed09cd&trk=job\\_view\\_browse\\_map&originalSubdomain=ug](https://www.linkedin.com/jobs/view/e-commerce-lead-us-at-hmd-global-734599465/?refId=475e95f8-5884-43e1-be01-a5a013ed09cd&trk=job_view_browse_map&originalSubdomain=ug).

22. Exhibit Q to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of the Electronic Articles of Incorporation For HMD America, Inc. that bear an electronic filing stamp dated July 07, 2016, which was downloaded from the Florida Department of State's website, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?>

inquirytype=EntityName&directionType=Initial&searchNameOrder=HMDAMERICA%20P160000576700&aggregateId=domp-p16000057670-8d345b1b-877d-4458-b840-ac2ee25b9f28&searchTerm=hmd%20america&listNameOrder=HMDAMERICA%20P160000576700.

23. Exhibit R to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of HMD America, Inc.'s 2017 Florida Profit Corporation Amended Annual Report bearing an electronic filing stamp dated May 23, 2017, which was downloaded from the Florida Department of State's website, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HMDAMERICA%20P160000576700&aggregateId=domp-p16000057670-8d345b1b-877d-4458-b840-ac2ee25b9f28&searchTerm=hmd%20america&listNameOrder=HMDAMERICA%20P160000576700>.

24. Exhibit S to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of HMD America, Inc.'s 2018 Florida Profit Corporation Annual Report bearing an electronic filing stamp dated Jan 16, 2018, which was downloaded from the Florida Department of State's website, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HMDAMERICA%20P160000576700&aggregateId=domp-p16000057670-8d345b1b-877d-4458-b840-ac2ee25b9f28&searchTerm=hmd%20america&listNameOrder=HMDAMERICA%20P160000576700>.

25. Exhibit T to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of HMD America, Inc.'s 2019 Florida Profit Corporation Annual Report bearing an electronic filing stamp dated Feb 14, 2019, which was downloaded from the Florida Department

of State's website, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HMDAMERICA%20P160000576700&aggregateId=domp-p16000057670-8d345b1b-877d-4458-b840-ac2ee25b9f28&searchTerm=hmd%20america&listNameOrder=HMDAMERICA%20P160000576700>.

26. Exhibit U to CCE's Opposition to Defendant's Motion to Dismiss is a true and correct copy of an archived copy of HMD Global's bio webpage for Sam Chin, which was downloaded from <http://web.archive.org/web/20181231054334/http://www.hmdglobal.com/bio/sam-chin>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2020

/s/ Jonathan H. Rastegar  
Jonathan H. Rastegar